

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2249.05
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	April 20, 2005
DATE OF REPORT:	May 20, 2005
REQUEST FOR RECONSIDERATION:	yes/not revised-June 13, 2005
DATE OF CLOSURE:	July 8, 2005

COMPLAINT ISSUES:

Whether MSD of Warren Township violated:

511 IAC 7-29-1 by failing to provide services to a student who has been suspended more than 10 cumulative instructional days to enable the student to progress appropriately in the general curriculum and toward achieving the goals set out in the student's individualized education program (IEP).

FINDINGS OF FACT:

1. The Student has been identified as having an emotional disability and has been determined eligible for special education and related services.
2. The Student received suspensions from School four times in October and November 2004, and in February 2005. These four suspensions amounted to 10 suspension days, with the tenth day on March 4, 2005.
3. After the tenth day of suspension, while the Student was suspended for the period of five (5) instructional days of March 9 through March 15, 2005, the Student was allowed to take books and assignments home and received credit for work completed at home. The Complainant communicated with the teacher regarding assignments. However, instruction was not provided during these five (5) days.
4. On April 18, 2005, due to several violations of school rules, the Student was again suspended pending further proceedings from the School. The further proceedings, including a case conference committee meeting on April 29, 2005, resulted in a change of placement to an alternative school where services began on May 2, 2005. There are ten (10) instructional days from April 18, 2005 to May 2, 2005.
5. At some time prior to April 25, 2005, the principal determined, as described in 7-29-1(h), that the student should receive ten (10) hours of homebound instruction to make up for the interruption of services. The homebound services were to begin April 25, 2005 and conclude by May 20, 2005.
6. Documentation submitted by the School on May 18, 2005 indicates the 10 hours of homebound services are nearly complete and are expected to be completed by May 20, 2005.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the Student reached 10 cumulative days of suspension on March 4, 2005. Finding of Fact #3 indicates that the Student had five (5) days of suspension in March 2005, during which time the Student took books and assignments home but no instruction was provided, constituting an interruption in service. Finding of Fact #4 indicates an additional ten (10) day interruption of service beginning on April 18, 2005. Findings of Fact #5 and #6 indicate the School recommended and initiated ten (10) hours of homebound services, as described in 7-29-1(h). However, 7-29-1(i) and(j) are the applicable sections of Article 7 in this case and, as the services to be provided were not determined by the case conference committee, a violation of 7-29-1(i) is found.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

MSD of Warren Township shall:

Reconvene the student's case conference committee to determine whether the ten (10) hours of homebound instruction provided is sufficient to make up the 15 days of interrupted services. Given the lateness in the school year and potential scheduling difficulties, the parent may elect to participate in the case conference via telephone as allowed at 7-27-3(h). The case conference committee shall be convened by July 1, 2005, and any services determined necessary shall be provided by September 1, 2005. Further, if the student's grades were adversely impacted by the interruption of service, the grades in the affected classes shall be recorded as INCOMPLETE pending the completion of any compensatory service that may be provided.

Documentation of compliance (consisting of a copy of the CCC report) shall be submitted to the Division by July 6, 2005.